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Attorneys for Plaintiffs
 DENNIS MONTGOMERY and
 the MONTGOMERY FAMILY TRUST

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

DENNIS MONTGOMERY and the
 MONTGOMERY FAMILY TRUST,

Plaintiffs,

vs.

ETREPPID TECHNOLOGIES, LLC, WARREN
 TREPP, and the UNITED STATES
 DEPARTMENT OF DEFENSE,

Defendants.

AND RELATED CASES.

) Case No. 3:06-CV-00056-PMP-VPC
) BASE FILE

) (Consolidated with Case No. 3:06-CV-
) 00145-PMP-VPC)

) **MONTGOMERY PARTIES' RESPONSE**
) **TO COURT'S REQUEST FOR**
) **DETERMINATION WHETHER THE**
) **EVIDENTIARY HEARING**
) **REQUESTED IN THE MONTGOMERY**
) **PARTIES' MOTION FOR AN**
) **EVIDENTIARY HEARING (DOCKET #**
) **527) IS NECESSARY**

By its Minute Order dated June 17, 2008, the Court directed the Montgomery Parties to advise the Court whether the evidentiary hearing requested in the Montgomery Parties' Motion for an Evidentiary Hearing (Docket # 527) is necessary. The Montgomery Parties have submitted requests to counsel for the United States for the video tapes showing the items seized from and returned to Dennis Montgomery ("Montgomery") by representatives of the Federal Bureau of

1 Investigation (the "FBI") (discussed at the June 17, 2008 status conference) and other information
2 that they believe may be relevant to the chain of custody issues that would be the subject of the
3 proposed evidentiary hearing. The requested information has not yet been provided.

4 The Montgomery Parties anticipate receiving these videotapes and other information in the
5 next two weeks. Notwithstanding that, the Montgomery Parties have not yet had an opportunity to
6 review the requested information, given the chain of custody questions propounded by counsel for
7 eTreppid Technologies, LLC during the recent hearings convened in connection with the Order to
8 Show Cause why the Montgomery Parties should not be held in contempt of court for their failure
9 to abide by this court's order of May 21, 2008 (#646), the Montgomery Parties hereby request that
10 the subject Evidentiary Hearing be scheduled by the Court.

11 In connection with that hearing, the Montgomery Parties anticipate calling the following
12 witnesses: Special Agent Michael West and any other persons who were involved in the chain of
13 custody of the materials seized from the residence and storage lockers of Montgomery and/or
14 thereafter returned to Montgomery, including, but not limited to, persons involved in the handling,
15 transportation and storage of this evidence.

16 Dated: June 30, 2008

Respectfully submitted,

17 LINER YANKELEVITZ
18 SUNSHINE & REGENSTREIF LLP

19 By: _____/s/
20 Deborah A. Klar
21 Attorneys for DENNIS MONTGOMERY,
22 the MONTGOMERY FAMILY TRUST,
23 EDRA BLIXSETH, AND OPSRING
24 LLC
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Law Offices Of Liner Yankelevitz Sunshine & Regenstreif LLP, and that on June 26, 2008, I caused to be served the within document described as **MONTGOMERY PARTIES' RESPONSE TO COURT'S REQUEST FOR DETERMINATION WHETHER THE EVIDENTIARY HEARING REQUESTED IN THE MONTGOMERY PARTIES' MOTION FOR AN EVIDENTIARY HEARING (DOCKET # 527) IS NECESSARY** on the interested parties in this action as stated below:

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☒ **[ELECTRONIC]** By filing the document(s) electronically with the U.S. District Court and therefore the court's computer system has electronically delivered a copy of the foregoing document(s) to the persons listed above at their respective email address.

1 I declare under penalty of perjury under the laws of the State of California and
2 the United States of America that the foregoing is true and correct.

3 Executed on June 30, 2008, at Los Angeles, California.

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(Type or print name)


(Signature)